

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ADE GEORGE OYEBOLA,

Petitioner,

v.

TOM RIDGE, Secretary, JOHN ASHCROFT,
Attorney General; EDUARDO AQUIRRE JR.,
Director of USCIS; DENNIS RIORDAN,
District Director-Boston, USCIS,

Respondents.

C.A. NO. 04-10318-RGS

RESPONDENTS' OPPOSITION TO PETITIONER'S RULE 55 REQUEST

Respondent hereby files their opposition to Petitioner's Rule 55 Request for Default and Judgment ("Request"). As grounds therefor, Respondent states as follows:

In his Request, Petitioner admits that he filed a Motion to Amend his Petition, which was allowed by this Court on May 25, 2004. Under the Federal Rules of Civil Procedure, the United States has sixty (60) days to respond to said Amended Complaint. Consequently, the Request is premature, as the time for Respondents' response has not expired.

Wherefore, Respondent requests that this Court deny the Petitioner's Request.¹

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/
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CERTIFICATION UNDER L.R. 7.1

Pursuant to Local Rule 7.1(a)(2), since plaintiff is pro se the parties have not conferred with regard to this motion.

CERTIFICATE OF SERVICE

I certify that on June 29, 2004, I caused a copy of the foregoing Opposition to be served by first class mail, postage pre-paid to Petitioner, 46 Birchwood Road, U417, Randolph, MA 02368.

/s/
Michael P. Sady

¹The Repondents will not address the issue of whether default can, in any event, be entered against them. Also, the filing of this Opposition is not a waiver of any rights or defenses of Respondents in this matter.